



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/664,689

09/18/2003

Muneki Ishida

9281-4650

5213

7590

06/23/2005

Brinks Hofer Gilson & Lione  
P.O. Box 10395  
Chicago, IL 60610

EXAMINER

BROWN, VERNAL U

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/664,689

Applicant(s)

ISHIDA, MUNEKI

Examiner

Vernal U. Brown

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/18/04, 2/02/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The application of Ishida Muneki for Remote Control System filed on September 18, 2003 has been examined. Claims 1-20 are pending.

#### ***Claim Objections***

Claims 1-20 are objected to because of the following informalities:

Claims 1-20 uses the term "capable of". It has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchinson, 69 USPQ 138. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson US Patent 5710605 in view of Kemink et al. US Patent 563430.

Regarding claim 1, Nelson teaches a remote control system comprising: a remote control apparatus which stores software programs (col. 6 lines 47-52) for driving different kinds of devices with wireless communication and which recognizes the devices when the devices are positioned within a set range (col. 6 line 65-col. 7 line 13), wherein the remote control apparatus includes a monitor for displaying information of one or

Art Unit: 2635

more of the devices which are being recognized (col. 5 lines 34-45) and a controller (110) for controlling the devices (col. 7 lines 15-20) and the monitor (col. 6 lines 56-58).

Nelson is however silent on teaching the remote control recognizes the devices when the devices are positioned within a set range. Kemink et al. in an art related remote control device teaches a remote control recognizing the devices when the devices are positioned within a set range by the remote control receiving context sensitive information for controlling the remote device (col. 3 lines 15-60) in order to provide a control interface that is location dependent.

It would have been obvious to one of ordinary skill in the art for the remote control device to recognize the devices when the devices are positioned within a set range of the remote control in Nelson as evidenced by Kemink et al. because Nelson teaches a remote control various appliances and Kemink et al. teaches a remote control recognizing the devices when the devices are positioned within a set range by the remote control receiving context sensitive information for controlling the remote device in order to provide a control interface that is location dependent.

Regarding claim 2, Nelson teaches the remote control include a selector (56) for selecting a device to be controlled (col. 6 lines 17-19).

Regarding claim 3-4, Nelson teaches the monitor 20 (display) is built in the remote (figure 1).

Regarding claims 8-11, Nelson in view of teaches a remote control (figure 1) but is silent on teaching the remote control is controlled by a CPU such that the controller provides operational feel corresponding to the device being controlled. Kemink et al. in

Art Unit: 2635

an art related remote control device teaches providing operational feel corresponding to the device being controlled by presenting the user with menu option to control a particular type of device (col. 3 lines 42-48, col. 4 lines 5-11) in order to provide a control interface relating to environment in which the control device is located.

It would have been obvious to one of ordinary skill in the art to provide an operational feel corresponding to the device being controlled in Nelson as evidenced by Kemink et al. because Nelson suggests a remote control for controlling various devices and Kemink et al. teaches a remote control providing operational feel corresponding to the device being controlled by presenting the user with menu option to control a particular type of device in order to provide a control interface relating to environment in which the control device is located.

Claims 5-6 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson US Patent 5710605 in view of Kemink et al. US Patent 6563430 and further in view of Kayashima et al. US Patent 5488427.

Regarding claims 5-6, Nelson in view of Kemink et al. teaches the monitor 20 (display) is built in the remote (figure 1) but is silent on teaching the display is separate from the remote control. Kayashima et al. in an art related remote control device teaches a television providing the display for displaying the selected key of a remote device (col. 4 lines 40-44). The television is therefore considers the display for the remote control. Kayashima et al. further information is transmitted wirelessly from the remote control to the display (col. 4 lines 61-67).

Art Unit: 2635

It would have been obvious to one of ordinary skill in the art to have a display is separate from the remote control in Nelson in view of Kemink et al. as evidenced by Kayashima et al. because Nelson in view of Kemink et al. suggests the remote control having a display and Kayashima et al. teaches a television providing the display for displaying the selected key of a remote device.

Regarding claims 12-13, Nelson teaches a remote control (figure 1) but is silent on teaching the remote control is controlled by a CPU such that the controller provides operational feel corresponding to the device being controlled. Kemink et al. in view of Kayashima et al. in an art related remote control device teaches providing operational feel corresponding to the device being controlled by presenting the user with menu option to control a particular type of device (col. 3 lines 42-48, col. 4 lines 5-11) in order to provide a control interface relating to environment in which the control device is located.

It would have been obvious to one of ordinary skill in the art to provide an operational feel corresponding to the device being controlled in Nelson as evidenced by Kemink et al. in view of Kayashima et al. because Nelson suggests a remote control for controlling various devices and Kemink et al. in view of Kayashima et al. teaches a remote control providing operational feel corresponding to the device being controlled by presenting the user with menu option to control a particular type of device in order to provide a control interface relating to environment in which the control device is located.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson US Patent 5710605 in view of Kemink et al. US Patent 6563430 and further in view of Klein et al. US Patent 6859197.

Regarding claim 7, Nelson in view of Kemink et al. teaches a remote control (figure 1) but is silent on teaching the remote control comprises a printer. Klein et al. in an art related universal remote control device teaches a remote control comprising a printer (col. 5 lines 50-65) in order to record information.

It would have been obvious to one of ordinary skill in the art for the remote control to comprise a printer in Nelson in view of Kemink et al. as evidenced by Kayashima et al. because Nelson in view of Kemink et al. suggests a remote control with a display for providing information to the user and Klein et al. further teaches a remote control comprising a printer in order to record information.

Regarding claim 14, Nelson teaches a remote control (figure 1) but is silent on teaching the remote control is controlled by a CPU such that the controller provides operational feel corresponding to the device being controlled. Kemink et al. in view of Klein in an art related remote control device teaches providing operational feel corresponding to the device being controlled by presenting the user with menu option to control a particular type of device (col. 3 lines 42-48, col. 4 lines 5-11) in order to provide a control interface relating to environment in which the control device is located.

It would have been obvious to one of ordinary skill in the art to provide an operational feel corresponding to the device being controlled in Nelson as evidenced by

Art Unit: 2635

Kemink et al. in view of Klein because Nelson suggests a remote control for controlling various devices and Kemink et al. in view of Kline teaches a remote control providing operational feel corresponding to the device being controlled by presenting the user with menu option to control a particular type of device in order to provide a control interface relating to environment in which the control device is located.

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson US Patent 5710605 in view of Kemink et al. US Patent 6563430 and further in view of Baker et al. US Patent 6597374.

Regarding claims 15-18, Nelson in view of Kemink et al. teaches a remote having various input keys for selecting the device to be controlled and the function to be performed (col. 5 line 63-col. 6 line 45) but is silent on teaching having a rotating wheel for operation of the remote control. Baker et al. in an art related remote control device teaches a rotating wheel for operation of the remote control (col. 3 lines 40-50) as an alternative to using the buttons of the remote control for making selections.

It would have been obvious to one of ordinary skill in the art to have a rotating wheel for operation of the remote control in Nelson in view of Kemink et al. as evidenced by Baker et al. because Nelson in view of Kemink et al. suggests a remote having various input keys for selecting the device to be controlled and the function to be performed and Baker et al. teaches a rotating wheel for operation of the remote control as an alternative to using the buttons of the remote control for making selections.

Art Unit: 2635

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson US Patent 5710605 in view of Kemink et al. US Patent 6563430 in view of Klein US Patent 6859197 and further in view of Baker et al. US Patent 6597374.

Regarding claims 19-20, Nelson in view of Kemink et al. in view of Klein teaches a remote having various input keys for selecting the device to be controlled and the function to be performed (col. 5 line 63-col. 6 line 45) but is silent on teaching having a rotating wheel for operation of the remote control. Baker et al. in an art related remote control device teaches a rotating wheel for operation of the remote control (col. 3 lines 40-50) as an alternative to using the buttons of the remote control for making selections.

It would have been obvious to one of ordinary skill in the art to have a rotating wheel for operation of the remote control in Nelson in view of Kemink et al. in view of Klein in view of Rosenberg et al. as evidenced by Baker et al. because Nelson in view of Kemink et al. in view of Klein suggests a remote having various input keys for selecting the device to be controlled and the function to be performed and Baker et al. teaches a rotating wheel for operation of the remote control as an alternative to using the buttons of the remote control for making selections.

Art Unit: 2635

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown  
June 20, 2005



BRIAN ZIMMERMAN  
PRIMARY EXAMINER